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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,574	03/17/2004	Kenji Fujiwara	04329.3275	2736
22852 7590 11/05/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER STRONCZER, RYAN S	
			ART UNIT 4157	PAPER NUMBER
			MAIL DATE 11/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/801,574	FUJIWARA, KENJI	
	Examiner	Art Unit	
	Ryan Stronczer	4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "D" (Fig. 7) and "C" (Fig. 6) have both been used to designate an instruction to transmit downloading request in Fig. 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Paragraph 0024 identifies object 16 as a video pack; however, object 16 is an audio pack according to Fig. 2.

Output D in Fig. 7 (NO in STO34) should be changed to C. According to paragraph 0047, a NO in STO34 results in "the flow [proceeding] to step STO12," which, in Fig. 5 is the input C.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al. (Pub No US 2001/0044726).

Claim 1 recites a “reproducing apparatus which receives subtitle information from a server over a communication network, comprising four sections: an “acquiring” section, a “receiving” section, a “reproducing” section and a “synthesizing” section. Li teaches a method of “providing audio or subtitle translation data on demand to a receiver” [0006] using a system comprising “a television and/or video device...an interface, and server means...” [0031].

The acquiring section of claim 1 recites, “an acquiring section which acquires an identification number of a recording medium loaded in the apparatus, transmits the identification number to the server over the communication network, and requires the server to search for subtitle information of video software recorded on the recording medium.” Li teaches a system that extracts “identification information corresponding to the preferred language and the video data of the movie the user intends to watch...the identification information may include the title of the movie or some other identification code” [0036]. The identification information is then “transmitted to a server, preferably

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through an interface with online connection like an ISDN or any other Internet or cable connection. After processing the identification information the server will supply audio translation data to the interface via a back channel or via the Internet or via cable” [0037].

The receiving section of claim 1 recites, “receiv[ing] a search result from the server and receiv[ing] the subtitle information from the server when the subtitle information exists.” Li teaches that once the system has processed the identification information, “...the server will supply audio translation data to the interface via a back channel or via the Internet or via cable...Also it is possible that the sends back only an information about the availability of the languages of audio signals and/or subtitles for the selected title...The user then finally decides whether he wants downloading [sic] of the translation data” [0037-38].

The reproducing section recites, “reproduc[ing] video information recorded on the recording medium.” This capability is inherent in the “television and/or video device” [0031] taught by Li.

The synthesizing section of claim 1 recites, “synthesiz[ing] the subtitle information received by the receiving section with video pictures reproduced by the reproducing section to output the synthesized video pictures.” Li teaches “a method for providing audio or subtitle translation data...including the following steps: ...reproducing, a least partly, data of said requested audio or subtitle translation data set temporally synchronised with said video data” [0006-13]. Paragraph 0039 teaches the method for performing the synchronization.

Claims 5-7 recite features that are inherent in the apparatus of claim 1. Claims 5-7 are rejected by Li as applied to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. Claim 2 recites the apparatus of claim 1, further comprising the limitation that the subtitle information is a "correction edition for subtitles recorded on the recording medium." Li does not explicitly teach providing a correction edition, but it would have been obvious to one skilled in the art that in addition to providing subtitles in alternate languages, corrections to previously released subtitles is not precluded using the same mechanism.

Claims 3-4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. as applied to claim 1-2 and 5-7 above, and further in view of Abbott et al. (Patent No. US 6,654,933).

Claim 3 recites the apparatus of claim 1 further including the limitation that the subtitle information is "information of a correction portion...and the receiving portion receives only the correction portion." Claim 4 recites the apparatus of claim 3, further

including the limitation "wherein the synthesizing section synthesizes the received correction portion..."

Li teaches a method for providing subtitle information on demand to a user, but does not teach a method for only replacing selected parts of the existing subtitles with corrections. Abbot teaches a method that facilitates "...mapping from time to data position, [such that] data delivery can begin at any selected time in the program material" [ABST]. Figures 1-7 teach a method that allows program data to be broken down into components called "atoms" and that those atoms can be distributed individually to the user. "An atom contains program material in the form of data, preferably encoded data, that is stored on a storage device or other memory means" (Col 1, Line 67-Col 2, Line 3). Abbot teaches

...the index number is used to identify a data position for the media data representing the program material at a specified time T...a method is provided for synchronizing media data for delivery to a viewer. The synchronization method of the present invention includes identifying a base atom containing media data, and identifying one or more auxiliary atoms containing media data to be synchronized with the media data in the base atom. (Col 2, Line 37-51)

In light of Abbott's method for dividing media data into discrete segments ("atoms"), it would have been obvious to one of ordinary skill to create atoms containing only the corrections for subtitles already recorded on the recording medium and distribute those atoms to the user as claimed in claim 3, as well as to synchronize those atoms with the existing subtitle track and video data to provide the same functionality claimed in claim 4.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/


VU LE
SUPERVISORY PATENT EXAMINER